

REMARKS

Claims 1, 3 - 11, 13 - 23, 25 - 30, 32, 34, 35, 39, 41 - 43, 45 and 46 are pending for consideration in the present application. Claims 2, 12, 24, 31, 33, 36 - 38, 40 and 44 are canceled, wherein claims 12, 24, 33, 36, 37, 38, 40 and 44 are canceled by the present amendment, and claims 45 and 46 are newly added. Reconsideration of the application is respectfully requested.

In section 2 of the Office Action, claims 1, 18, 30, 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant is amending claims 1, 18 and 30 to address the rejection, and canceling claims 36 and 37. Reconsideration and withdrawal of the rejection are respectfully requested.

In section 3 of the Office Action, claims 1, 4 - 30, 32 - 35 and 37 - 44 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,631,183 to Rautila et al. (hereinafter "the Rautila et al. patent"). Applicant is rewriting each of claims 1, 18, 30, 39, 41 and 42 to clarify features thereof that are not disclosed by the Rautila et al. patent.

Claim 1 provides for a user client for a communication device operable to communicate with a remotely located media based network service. The user client includes, *inter alia*, a communication module and a user interface. During a real time recording mode, during a call from a caller, (a) the user interface receives a new greeting from a user of the communication device, (b) the communication module communicates the new greeting to a voicemail system, and (c) the voicemail system plays the new greeting to the caller.

The present application, with reference to FIGS. 1 and 2, describes an example of a user client in accordance with claim 1, and from the middle of page 12, to the middle of page 13, with reference to FIG. 8, describes the operation of a user client in accordance with claim 1.

The Rautila et al. patent describes a voice mail system in which a greeting message is played in accordance with one of a plurality of operating modes Abstract). The Rautila et al. patent, with

reference to FIG. 3, explains that the voice mail system includes a mode 305, in which the voice mail system records a greeting message dictated by a subscriber (col. 6, lines 25 - 30).

Although the voice mail system in the Rautila et al. patent includes a mode in which the voice mail system records a greeting message dictated by a subscriber, the Rautila et al. patent does not describe the greeting message as being recorded during a call from a caller, and being played to the caller during the call, the Rautila et al. patent does not disclose that **during a call** from a caller, (a) the user interface **receives a new greeting from a user** of the communication device, (b) the communication module **communicates the new greeting to a voicemail system**, and (c) the voicemail system **plays the new greeting** to the caller, as recited in claim 1. Consequently, the Rautila et al. patent does not anticipate claim 1.

Claims 4 - 11 and 13 - 17 depend from claim 1. By virtue of this dependence, claims 4 - 11 and 13 - 17 are also novel over the Rautila et al. patent.

Claim 18 is directed to a communication device that includes a user client. The user client includes a mode in which, during a call from a caller, the user client (a) receives a greeting from a user of a communication device, and (b) sends the greeting to a voicemail system for playback as a voicemail greeting to the caller during the call.

For reasoning similar to that provided above in support of claim 1, Applicant submits that the Rautila et al. patent does not disclose a user client that includes a mode in which, **during a call from a caller**, the user client (a) **receives a greeting from a user** of a communication device, and (b) sends the greeting to a voicemail system for **playback as a voicemail greeting to the caller during the call**, as recited in claim 18. Accordingly, Applicant also submits that the Rautila et al. patent does not anticipate claim 18.

Claims 19 - 23 and 25 - 29 depend from claim 18. By virtue of this dependence, claims 19 - 23 and 25 - 29 are also novel over the Rautila et al. patent.

Claims 30 is directed to a server-based subscriber service system that includes an output unit for outputting selected content, a content selection unit that selects the selected content in accordance with data representing a current state of a called party handset, and a module operable to receive a real time recorded item. When the current state is a real time recording state, during a call from a caller to the called party handset, (a) the module receives a greeting from the called party handset, (b) the content selection unit selects the greeting, and (c) the output unit sends the greeting to a voicemail system for playback as a voicemail greeting to the caller during the call.

For reasoning similar to that provided above in support of claim 1, Applicant submits that the Rautila et al. patent does not disclose that **during a call from a caller** to the called party handset, (a) the module **receives a greeting** from the called party handset, (b) the content selection unit **selects the greeting**, and (c) the output unit sends the greeting to a voicemail system for **playback as a voicemail greeting to the caller during the call**, as recited in claim 30. Accordingly, Applicant also submits that the Rautila et al. patent does not anticipate claim 30.

Claims 32, 34 and 35 depend from claim 30. By virtue of this dependence, claims 32, 34 and 35 are also novel over the Rautila et al. patent.

Claim 39 provides for a system that includes a handset and a server-based greeting system. The handset includes a message communication module that is configured to communicate to the server-based greeting system an indicator to accept a greeting being recorded at the handset during a call, as a current message to be played to a caller during the call.

For reasoning similar to that provided above in support of claim 1, Applicant submits that the Rautila et al. patent does not disclose a message communication module that is configured to **communicate** to a server-based greeting system **an indicator to accept a greeting being recorded at the handset during a call**, as a current message to be **played to a caller during the call**, as recited in claim 39. Accordingly, Applicant also submits that the Rautila et al. patent does not anticipate claim 39.

Claim 41 provides for a system that includes a handset and a server-based greeting system. The handset includes a message communication module for communicating to the server-based greeting system (1) a rejection of an incoming call, and (2) an indicator for instructing the server-based greeting system to select a greeting being recorded at the handset during the incoming call, thereby to allow the greeting to be played as a voicemail greeting during the incoming call.

For reasoning similar to that provided above in support of claim 1, Applicant submits that the Rautila et al. patent does not disclose a message communication module for communicating to the server-based greeting system (1) a rejection of an incoming call, and (2) an indicator for instructing the server-based greeting system to select a **greeting being recorded at the handset during the incoming call**, thereby to allow the greeting to be **played as a voicemail greeting during the incoming call**, as recited in claim 41. Accordingly, Applicant also submits that the Rautila et al. patent does not anticipate claim 41.

Claim 42 provides for a system that includes a user client for a handset, and a server-based voicemail greeting system. The user client includes a message communication module for communicating to the server-based voicemail greeting system, during a call, an indicator for instructing a selector to select a given voicemail greeting as a current voicemail greeting.

The present application, with reference to FIGS. 1 and 2, describes a user client in accordance with claim 42, and from the bottom of page 10, to the middle of page 12, with reference to FIGS. 5 - 7, describes the operation of a user client in accordance with claim 42.

Applicant respectfully submits that the Rautila et al. patent does not disclose a message communication module for **communicating** to the server-based voicemail greeting system, **during a call**, an indicator for instructing a selector **to select** a given voicemail greeting as a **current voicemail greeting to be played during the call**, as recited in claim 42. Accordingly, Applicant also submits that the Rautila et al. patent does not anticipate claim 42.

Claim 43 depends from claim 42. By virtue of this dependence, claim 43 is also novel over the Rautila et al. patent.

Claims 12, 24, 33, 37, 38, 40 and 44 are canceled, thus rendering moot the rejection thereof.

Applicants are requesting reconsideration and withdrawal of the section 102(e) rejection of claims 1, 4 - 30, 32 - 35 and 37 - 44.

In section 5 of the Office Action, claims 3 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rautila et al. patent in view of U.S. Patent No. 7,092,735 to Osann, Jr. (hereinafter "the Osann, Jr. patent").

Claim 3 depends from claim 1. Above, Applicant explained that claim 1 is novel over the Rautila et al. patent. Here, Applicant is submitting that the Osann, Jr. patent does not make up for the deficiency of the Rautila et al. patent as it relates to claim 1. Accordingly, Applicant is further submitting that claim 1, and claim 3, by virtue of its dependence on claim 1, are both patentable over the cited combination of the Rautila et al. patent and the Osann, Jr. patent.

Claim 36 is canceled. As such, the rejection thereof is rendered moot.

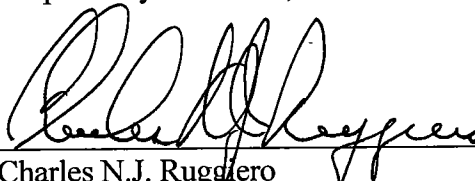
Applicants are requesting reconsideration and a withdrawal of the section 103(a) rejection of claims 3 and 36.

As mentioned above, Applicant is claims 1, 18 and 30 to address the rejection, and rewriting each of claims 1, 18, 30, 39, 41 and 42 to clarify features thereof that are not disclosed by the Rautila et al. patent. Applicant is also amending claims 6, 10, 11, 13, 14, 16, 25, 26, 28, 29, 35 and 43 for one or more of (a) consistency with amendments to claims from which they depend, (b) ensuring an antecedent basis for terms, (c) improving form, (d) improving grammar, or (e) deleting recitals that do not appear to be necessary for patentability.

Applicant is adding claims 45 and 46 to even further provide the claim coverage that Applicant appears to deserve based on the prior art that was cited by the Examiner. Claim 45 is directed to subject matter disclosed in the description of FIG. 8, and Claim 46 is directed to subject matter disclosed in the description of FIGS. 5 - 7. A favorable consideration that also results in the allowance of claims 45 and 46 is earnestly solicited.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,



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